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Van Laer, A. J. F

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Bibliography 46

THE TRANSLATION AND PUBLICATION

OF THE

MANUSCRIPT DUTCH RECORDS OF NEW NETHERLAND

WITH AN ACCOUNT OF PREVIOUS ATTEMPTS AT TRANSLATION

ALBANY

UNIVERSITY OF THE STATE OF NEW YORK

1910

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STATE OF NEW YORK

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New York State Education Department
New York State Library, November 27, 1909

Hon. Andrew S. Draper
Commissioner of Education

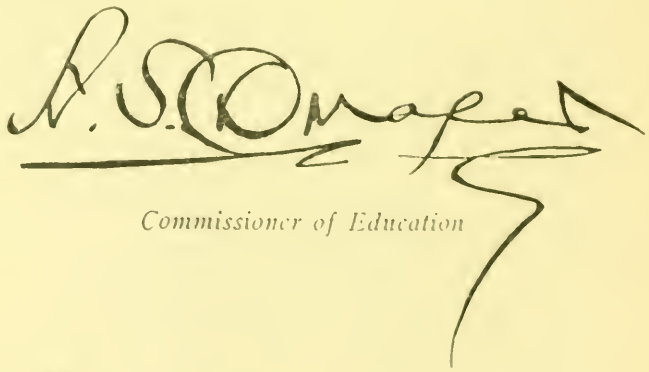
DEAR SIR: I have the honor to transmit herewith and to recommend for publication as Bibliography bulletin 46, a report prepared by Mr A. J. F. van Laer, touching the present condition of the manuscript Dutch records of the government of New Netherland, 1638–74, and dwelling especially upon the inadequate and wholly unsatisfactory nature of previous partial translations of these, the earliest official documents of what is now the State of New York.

Through age and frequent use the condition of these documents is each year less favorable for translation. None of the earlier partial translations have any value for exact historical work without competent comparison with the originals. The matter has enlisted the interest and concern of such men as Aaron Burr, De Witt Clinton and John V. L. Pruyn, and the meager and untrustworthy results of the several enterprises inaugurated by them are due to the fact that in the past no translator was found who was at once a competent Dutch scholar, a master of correct and easy English, thoroughly acquainted with the history of the period, and experienced in work with its manuscript memorials. These qualifications must be combined in one man before the work may be begun with assurance of creditable and final performance. After having vainly sought him for more than a century, and after spending $40,000 for poor work, such a man is now in the State's employ. It would seem that he should be invited to do this work. This report is sent to you with the hope that its publication may help to secure suitable interest in and appropriation for the purpose.

Very respectfully
JAMES I. WYER, JR
Director

State of New York
Education Department
COMMISSIONER'S ROOM

This report of Mr A. J. F. van Laer, the State Archivist, upon the condition and dangers of the Dutch records of the State, suggests very convincingly the desirability of perfect and complete translations and of the publication of all such records. Publication is approved in order to make the same available to the Legislature and the Governor, in the hope that such work may be authorized.



Commissioner of Education

December 23, 1909

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THE TRANSLATION AND PUBLICATION

OF THE

MANUSCRIPT DUTCH RECORDS OF NEW NETHERLAND

WITH AN ACCOUNT OF PREVIOUS ATTEMPTS AT TRANSLATION

To the Director of the State Library

At your request, I submit the following report on the nature and extent of the Dutch records preserved in the manuscript section of the State Library, the history, relative extent and value of the existing translations, the advisability of retranslating and publishing part or the whole of the said records, and the probable extent of such publication in octavo volumes.

The records in question embrace all that has been preserved of the archives of the government established by the Dutch West India Company over the province of New Netherland, which extended from Cape Cod to the Delaware river. They accumulated for a period of over 30 years in the office of the provincial secretary and were turned over to the British on the capture of New Netherland in 1664; they were restored to Governor Colve on the reoccupancy of the province by the Dutch in 1673 and, with the papers of Colve's administration, were again delivered to the British in 1674. The records remained in the office of the secretary of the colony of New York till the outbreak of the Revolution, when they were removed to the house of Nicholas Bayard, alderman of the out ward of the city of New York. In June 1776, by order of the Provincial Congress, the records were removed to Kingston and after the war they were deposited in the office of

the Secretary of State, first located at New York and later at Albany. They remained in the custody of the Secretary of State till 1881 when, under authority of chapter 120 of the laws of 1881, they were transferred to the State Library.

The Dutch records were originally bound in 48 volumes, lettered A-Z and AA-PP, but about 1850 they were rearranged by Dr E. B. O'Callaghan and, with the exception of two volumes of land patents which retained their former lettering, rebound in 20 volumes as part of the series of *New York colonial manuscripts,* as follows:

Register of the Provincial Secretary, containing contracts, leases, deeds, wills, bonds, powers of attorney and other private instruments, bearing the autograph signatures of the contracting parties and witnesses. 3v.

v.1 Apr. 19, 1638–Nov. 30, 1641. 282p.
v.2 Jan. 7, 1642–Sept. 30, 1647. 526p.
v.3 Aug. 17, 1648–Aug. 28, 1657. 395p.

Council minutes, containing the executive, legislative and judicial proceedings of the Director General and Council of New Netherland. 7v.

v.4 Apr. 8, 1638–Aug. 2, 1649. 465p.
v.5 Jan. 1652–Dec. 31, 1654. 469p.
v.6 Jan. 6, 1655–Apr. 29, 1656. 389p.
v.7 Mar. 2, 1655–Sept. 19, 1656. About 700p. (largely duplicates of entries in v.6 and 8).
v.8 May 1, 1656–Dec. 26, 1658. 1091p.
v.9 Jan. 15, 1660–Dec. 22, 1661. 964p.
v.10 (pt 1) Jan. 1, 1662–Dec. 28, 1662. 315p.
(pt 2) Jan. 4, 1663–Dec. 31, 1663. 472p.
(pt 3) Jan. 3, 1664–Dec. 21, 1664. 332p.

Correspondence, containing the correspondence of Director General Stuyvesant with the directors of the West India Company, the governors of neighboring colonies and the subordinate officers in New Netherland. 5v.

v.11 1646–Dec. 27, 1653. 336p.
v.12 Mar. 12, 1654–Nov. 27, 1658. 349p.
v.13 Feb. 13, 1659–Dec. 24, 1660. 485p.
v.14 Jan. 12, 1661–Dec. 7, 1662. 333p.
v.15 Jan. 8, 1663–Sept. 8, 1664. 475p.

Ordinances, for the internal government of the province. Part of v.16.

v.16 (pt 1) May 31, 1647–Mar. 4, 1657. 138p.

Fort Orange records. 2 parts of v.16.

v.16 (pt 2) Oct. 4, 1656–Dec. 11, 1657. }
(pt 3) Jan. 13, 1660–Dec. 30, 1660. } 233p.

Writs of appeal. Part of v.16.

v.16 (pt 4) 1658–Oct. 1, 1663. 33p.

Curaçao papers, containing resolutions, letters and instructions relating to the administration of the island of Curaçao, W. I. 1v.

v.17 Aug. 15, 1640–July 12, 1665. 339p.

Delaware papers. 2v.

v.18 Sept. 22, 1646–Dec. 24, 1660. 434p.
v.19 Jan. 14, 1661–Jan. 12, 1664. 218p.

Records of the administration of Governor Colve. IV.
v.23 Aug. 12, 1673–Nov. 3, 1674. 638p.

Land patents and deeds. 2V.
GG Patents. July 12, 1630–Sept. 20, 1651. 219p.
HH (pt 1, formerly marked II) Deeds. Sept. 5, 1652–Oct. 15, 1653. 63p.
(pt 2, formerly marked HH) Patents. Feb. 26, 1654–Apr. 5, 1664. 128p.

Together these records contain 10,121 written folio pages, with an average of over 200 words per page, or a total of at least 2,024,200 words. They constitute the oldest public documents of the State and form the most important source of material for the history of organized society on this continent under Dutch régime.

Unfortunately, they do not embrace all the records of the government established by the Dutch West India Company. The most important gaps are as follows:

Council minutes, prior to 1638; Aug. 2, 1640–Jan. 1652; June 10–Sept. 2, 1652; May 30–Nov. 1653 with the exception of a few entries in August; June 19, 1657– Jan. 1, 1658; the whole of the year 1659.

Correspondence, prior to 1646.

Accounts, 1626–64.

Report of Director Stuyvesant's voyage to, and transactions in, the West Indies, submitted to the Council, July 14, 1655.

Letters and papers respecting the negotiations at Hartford with the English, preliminary to the boundary treaty of 1650.

Various letter books and a record of petitions, to which reference is made in the *Council minutes*.

The honor of having first appreciated the value of the existing records for an accurate history of the State from its first settlement seems to belong to the Rev. Samuel Miller D.D., for many years pastor of the First Presbyterian Church in New York city and from 1813 to 1849 professor of ecclesiastical history and church government at Princeton. Dr Miller began collecting material for a history of the State of New York in 1797 and on January 4, 1798 petitioned the Legislature for leave to inspect the records in the various public offices of the State without the payment of the fees prescribed by law.[1] His petition was referred to a committee and favorably reported on January 6, when the committee brought in a bill entitled *An act to encourage the writing a history of this*

[1] Assembly Journal, 1798, 21:23.

State.[1] The bill received the support of De Witt Clinton,[2] then a member of the Assembly, and became a law on January 19, 1798.[3] Dr Miller availed himself of the privilege granted by the act, but soon found that a large number of important documents were written in the Dutch language, which, from his ignorance of that language, he could not peruse. At the next session of the Legislature he presented therefore another petition,[4] dated January 22, 1800, praying that a "Gentleman of highly respectable character and worthy of the most entire confidence," who had offered to make translations from the records, be permitted to take the records in succession to his own dwelling in Albany for the purpose of making translations and extracts. The petition was read in the Assembly on February 1,[5] and February 6-7 the Assembly and Senate passed a joint resolution,[6] authorizing James Van Ingen, clerk of the Assembly, to take the Dutch records in succession from the Secretary's office to his own dwelling for the purpose of making the required translations. So far the question of translation was entirely a private matter. It soon developed, however, that the translation involved a degree of labor and of consequent expense which it was not convenient for Dr Miller to incur, and January 22, 1801 he drew up a third petition or memorial,[7] which read in part as follows:

Your memorialist is so deeply convinced of the importance of the Records in question, in order to a complete elucidation of the early part of our history, that he is persuaded it would be extreme injustice to the State, and to himself, to think of proceeding in his plan, without becoming acquainted with their contents.

Your memorialist, therefore, respectfully prays your Honorable Body, to take such measures as to your wisdom may seem proper, for the purpose of causing a translation to be made of the abovementioned Records, in the Dutch language, or of such parts of them as may be judged useful, at the expence of the State:— which translation, after being completed, to be considered the property of the State, and subject to its disposal alone. To the accomplishment of this object, your memorialist believes the appropriation of a small sum would be abundantly adequate; and he would, with all deference, submit to your Honorable Body, whether a moderate public expenditure might not with propriety be devoted to the placing an important body of Records in such a situation

[1] Assembly Journal, 1798, 21:30.
[2] Life of Samuel Miller, by Samuel Miller, Phil. 1869, 1:109.
[3] Laws of 1798, ch. 2.
[4] "Assembly Papers," 5:107.
[5] Assembly Journal, 1800, 23:39.
[6] Assembly Journal, 1800, 23:52; Senate Journal, 1800, 23:23; "Assembly Papers," 5:105.
[7] "Assembly Papers," 5:283.

as would render them subservient to the interests of the State, in other respects, than that for which the measure is immediately requested.

The petition was read in the Assembly on January 30,[1] and February 19 Mr Aaron Burr, from the committee to whom it was referred, reported:

That in their opinion immediate measures ought to be taken to procure a translation of the records of this State, now in the Secretary's office, which are written in the Dutch language; and that in order to encourage the said Samuel Miller in the prosecution of his laudable undertaking, and to facilitate his researches, the translation to be made, ought, under suitable caution, and for a limited time to be entrusted to his care for perusal.

Resolved, That this House do agree with the committee in their said report.

Ordered, That the said committee, with the exception of Mr Burr, and the addition of Mr Thompson, do prepare and bring in a bill, agreeable to said report.[2]

March 23, 1801, Mr Thompson brought in the following resolution:

Resolved, (if the Hon. Senate concur herein) That the Secretary of this state be authorized to permit James Van Ingen to take certain volumes of the records of this state, written in the Dutch language, in succession, from the Secretary's office to his own dwelling-house, in the city of Albany, for the purpose of making such translations as in the opinion of the Comptroller, Surveyor-General, and the said James Van Ingen, shall be deemed useful in aiding the Rev. Samuel Miller in collecting materials for his history of New-York, and that legislative provision shall be hereafter made for paying the expences attending such translations; and that the same shall be entrusted to the care of the said Samuel Miller for the term of two years, in order to aid him in compleating the history aforesaid; which translations shall immediately hereafter be deposited in the Secretary's office for the use of this state.[3]

The Senate concurred in this resolution the same day,[4] thereby making the first legislative provision for the translation of portions of the Dutch records at public expense. As far as can be ascertained no translations were made under this resolution and February 14, 1805 the matter came again before the Legislature, in the form of sections 5, 6 and 7 of a bill entitled *An act appointing the*

[1] Assembly Journal, 1800–1, 24:36.
[2] Assembly Journal, 1800–1, 24:98.
[3] Assembly Journal, 1800–1, 24:221.
[4] Senate Journal, 1800–1, 24:94.

Deputy-Secretary of this State, clerk of the Commissioners of the Land-Office, and for other purposes,[1] which passed on April 9, 1805.[2] The sections named, which have no direct connection with the rest of the act, read as follows:

V. *And be it further enacted,* That it shall and may be lawful for the secretary of this state, and he is hereby directed as soon as may be after the passing of this act, to cause such of the records in his office which are written in the Dutch language, and which shall be designated by the person administering the government of this state, to be translated into English, and to be transscribed in proper books to be provided for that purpose, which translations when so transcribed, shall be deposited in the office of the secretary of this state as part of the public records thereof.

VI. *And be it further enacted,* That the translator to be employed by virtue of this act, shall before he proceeds to execute his trust, take and subscribe an oath before the chancellor or chief justice, well, truly and faithfully according to the best of his ability to make the said translations, which oath certified by the said chancellor or chief justice, shall be filed in the secretary's office.

VII. *And be it further enacted,* That the comptroller shall determine the amount of compensation, to which such translator may be reasonably entitled for his services, and thereupon to draw his warrant on the treasurer for the same.

In accordance with the above provisions, James Van Ingen was chosen as translator and in April and November 1805 he gave receipts for the following Dutch records[3] from the secretary's office:

A Council minutes, Apr. 8, 1638–Mar. 11, 1647
B " May 27, 1647–Aug. 2, 1649
W Secretary's records } 1642–63
W " }
CC " Apr. 19, 1638–Oct. 20, 1641
EE War with the Esopus Indians, 1663
GG Patents, July 12, 1630–July 20, 1649
HH " Apr. 16, 1654–June 17, 1661; also proceedings of Council, Feb. 18, 1651–July 11, 1655
II Deeds, 1652–53, 1664, 1673–74

These records remained in the hands of James Van Ingen for a number of years, but no translations were made. In 1813, the provisions of the law of 1805 were reenacted as sections 8, 9 and 10

[1] Senate Journal, 1804–5, 28:38, 56, 57, 128, 129. Assembly Journal, 1804–5, 28:329, 352, 354.

[2] Laws of 1805, ch. 96, Webster's ed. 4:250.

[3] John V. N. Yates, Annalium Thesaurus, p.9. In office of Secretary of State.

of an act entitled *An act concerning the Surveyor-General and the Secretary of State,* passed April 6, 1813.[1] Even then James Van Ingen appears to have made no beginning with the work of translation and it may partly be due to his delay that the history of the State planned by Dr Miller and on which he labored in a desultory way for a number of years, was never finished.[2]

In 1817, De Witt Clinton became Governor and took steps to have the Dutch records translated, a matter in which from the first he had been greatly interested. Realizing the need of another translator, he addressed himself to Francis Adrian van der Kemp, a former Dutch minister, then 65 years of age and living in quiet retirement at Olden Barneveld, now Barneveld, in Oneida county. Van der Kemp was a man of considerable attainments, who had come to this country from Holland in 1788 as a political refugee, in consequence of the leading part which he had taken in the struggle of the Patriots against the adherents of the House of Orange, which struggle ended in 1787 in the defeat of the Patriots by an army of 20,000 men sent to the aid of the Prince of Orange by the King of Prussia. He was well received in this country and enjoyed the friendship of many prominent men of the day owing to his former association with Baron Johan Derk van der Capellen, the bold liberal who first advocated the recognition of the United States by the States General of Holland. When the proposition to translate the Dutch records was made, van der Kemp so doubted his own ability that he accepted the task only upon a second offer and provided that the initial volume of his work should be critically examined by the Albany authorities and await their approval. This followed and he deemed it a duty "to run the risk" though he "dared not answer for the issue."[3] He began the laborious task of translating in February 1818 and finished it at his home in Olden Barneveld, during the second term of the administration of Gov. De Witt Clinton, on September 14, 1822.[4] These translations, which are commonly referred to as Albany Records, are at present contained in 24 folio volumes, including a total of 10,206 written pages, with an average of 180 words to the

[1] Revised laws, 1813, 1:481.

[2] A "Discourse designed to commemorate the discovery of New-York by Henry Hudson," was delivered by Rev. Samuel Miller before the New York Historical Society, Sept. 4, 1809; *see* New York Historical Society, Collections, 1809, 1:17–45.

[3] Francis Adrian van der Kemp, an autobiography, ed. by Helen Lincklaen Fairchild, N. Y. 1903, p.178–79, 181.

[4] Van der Kemp's translations, 23:406.

page, or a total of 1,837,080 words. They comprise, with frequent omissions, translations of the entire series of Dutch records, with the exception of the two volumes of Dutch patents, which were retained by James Van Ingen; the other volumes of Dutch records which were taken out of the Secretary's office by Van Ingen in 1805 were turned over to van der Kemp between December 1818 and January 1, 1820, when Van Ingen deposited a few loose sheets of translations.[1]

The cost of the translations to the State was $7553.25 for compensation to van der Kemp, $140.37 for stationery and binding, and $1450.58 paid to John F. Bacon and Edward Livingston, clerks of the Senate and Assembly, for indexing the translations, amounting in all to $9144.20.[2]

As to the value of the translations, it may be stated that they have long since been regarded by competent students as absolutely worthless for critical historical work. Owing to the difficulties under which van der Kemp labored, consisting chiefly in an imperfect knowledge of the English language, impaired eyesight and the urgency to complete the task during Governor Clinton's administration, the translations are filled with mistakes that destroy their value as an historical source. They are not only grossly inaccurate as to the transcription of proper names — as shown by the specimens given below — but they are also utterly misleading as regards the contents of the original documents. Not infrequently entire clauses have been omitted and others inserted which are not found in the Dutch text, in such a way as to substitute a free and often erroneous interpretation for the actual wording of the documents. Moreover, the English is crude and ungrammatical and fails to do justice to the businesslike and forceful character of many of the originals. As stated in a recent letter by Mr John H. Innes, the author of *New Amsterdam and its people*, who is familiar with the translations, van der Kemp, "from a sort of fatality, so to speak, seems to have been led almost constantly to the use of unusual forms of expression and of antiquated and obsolete words, even where the forms in common use approach far more closely to the Dutch idiom itself. It is true that the words he uses

[1] John V. N. Yates, Annalium Thesaurus, p.9. Report of the Secretary of State, relative to the records, &c. in his office, Senate Documents, 1820, no.2, p.6, 13.

[2] Comptroller's report, Assembly Journal, 1820, 43:279; Assembly Journal, 1820–21, 44:189; Assembly Journal, 1822, 45:398; Assembly Journal, 1823, 46:119; Assembly Journal, 1824, 47th session, 1:210.

are such that in most cases one can guess tolerably well at his meaning, but their unusual form gives them a constantly odd and quaint, and sometimes highly ludicrous sense." If in addition it is stated that van der Kemp invariably omits the parts that are hard to decipher, it will readily be seen that the translations are in every sense unsatisfactory and a constant source of error and annoyance to the historical investigator. Instances of inaccuracy could be cited by the thousand, but the following, chosen at random, will suffice.

Van der Kemp, 1:34–35; translated from *N. Y. col. mss,* 1:32–33:

This day appeared before me Andries Hudde, who acknowledge to owe Gerrit Wolphertsen the sum of fifty two gl. Holland currency — further to me its lawful half for a gift to Gerrit Wolphertsen of 50 morgen in the district of Achtervelt — which lot I convey to him with all the right and title which the Company can pretend to possess on this lot, engaging to consider valid, whatever disposition said Wolphertsen may make about the same lot, for all which Andries Hudde submits his person and property, without any exception to any court of justice. Done in the Island of Manhattan 26 July 1638.

A.Hudde

Translation should read:

This day, date underwritten, before me, [Cornelis van Tienhoven, secretary of New Netherland], appeared Andries Hudden, who acknowledged that he was well and truly indebted to Gerrit Wolphertsen in the sum of fifty two guilders Holland currency, and also in 50 morgens of land out of his just half share in the district of Achtervelt, given to Gerrit Wolphertsen, which said 50 morgens of land he hereby conveys and transfers to him, renouncing all claim which the grantor (*Comparant*, literally appearer) has to the aforesaid land and promising to hold valid whatever he may do with the aforesaid land. For all that is written above Andries Hudden pledges his person and property, real and personal, without any exception, all in good faith. Thus done on the island of Manhates, this 26th of July 1638.

[signed] A. Hudde

Van der Kemp, 1:34–35; translated from *N. Y. col. mss,* 1:32–33:

This day appeared before me Cornelius van Tienhoven, secretary in behalf the general privileged West-Indian Company in New-Netherland Symon janssen of Newendam, who acknowledged in

the presence of witnesses, to have purchased from William Claessen, skipper of the ship, named the arms of Muscovy, two ankers of double anise. . .

Symen Ianssen Quylenliver
Styvelemslog
Evert Evertsen } witnesses
Jillis Petersen }

Translation should read:

This day, date underwritten, before me, Cornelis van Tienhouen, secretary in New Netherland by authority of the General Chartered West India Company, appeared Sijmen Jansen van munnekedam, who in the presence of the underwritten witnesses acknowledged that he had bought of Willem claesen, skipper of the ship called "t' Wapen van Noorwegen" (Arms of Norway), two ankers of double anisette. . .

[signed] Symon Jansen Kuylenburch
Wyellem claes[1]
Evert Evertsen bijsschop } as witnesses
Jillis pietersz }

As shown above, the records translated by van der Kemp included all but the two volumes of land patents, GG and HH, which, on account of their legal importance as the basis of real estate titles in the State, it may not have seemed advisable to send to Olden Barneveld. These two volumes remained temporarily in the custody of James Van Ingen, who at last on October 18, 1822 deposited in the Secretary's office a translation of the second part of HH covering 154 folio pages, and on September 8, 1826 a translation of the first part of HH, then marked II, consisting of 63 folio pages. The amount of compensation which Van Ingen received for this work does not appear from the Comptroller's reports, but in 1826 an item of $8.50 was paid for a *Book for the translation of Dutch records*,[2] which probably refers to these translations.

The only volume which then remained untranslated was that of land patents, GG, and May 7, 1839 a special act was passed for its translation, as follows:

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[1] Canceled in original.
[2] Comptroller's report, Assembly Journal, 1827, 50th session, 1:228.

CHAP. 366.

An act *concerning a book of Dutch records in the office of the secretary of state.*

Passed May 7, 1839.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Secretary to employ a translator.

§ 1. The secretary of state shall, as soon as conveniently may be, cause the book of record of patents in the Dutch language marked GG, remaining in his office, to be translated into English by a competent translator, and to deliver the said book to such translator for that purpose; and when such translation shall be made, the same shall be transcribed in a book to be provided for that purpose, and shall with the original be deposited in the office of the secretary of state, and shall be a part of the public records of this state.

Translator to take an oath

§ 2. The translator to be employed as aforesaid, before he proceeds to execute his trust, shall take and subscribe an oath before the secretary of state, well and faithfully, according to the best of his ability, to make the said translation, which oath shall be filed in the said secretary's office.

How to be paid

§ 3. The treasurer shall pay on the warrant of the comptroller to the said translator, such sum as shall be certified by the secretary of state to be a reasonable compensation for his services in making and transcribing the said translation, and also for so much stationary as shall be necessary for the purpose aforesaid.

§ 4. This act shall take effect immediately.

The translator chosen was Rev. C. D. Westbrook; he deposited a complete translation of volume GG in the Secretary's office on July 23, 1841 and was paid $787.90 for the work.[1]

The translations of both volumes of land patents by Van Ingen and Westbrook are kept in the office of the Secretary of State. They are creditable pieces of work, though by no means free from errors in the description of the land conveyed. These errors, however, are due less to lack of knowledge on the part of the translators than to a certain ambiguity in the language of the original instruments and they can be detected only by comparing the descriptions of adjoining pieces of property in the corresponding patents and deeds of later date. These errors have apparently not

[1] Comptroller's report, Assembly Documents, 1842, no.15, p.103.

always been realized and grave mistakes in the location of early landmarks have been the consequence.

In 1839, acting upon suggestions made by De Witt Clinton in 1814, the New York Historical Society presented to the Legislature a memorial[1] urging the importance of an investigation of European archives, for the purpose of procuring those materials for the illustration of the history of the State which the State's own records could not furnish, and as a result of this memorial an act was passed on May 2, 1839, entitled *An act to appoint an agent to procure and transcribe documents in Europe relative to the colonial history of this State.*[2] Under this act John Romeyn Brodhead was commissioned as agent on January 20, 1841. He sailed for Europe the same year and after having successively visited the archives of Holland, England and France returned to this country in the summer of 1844, with 80 volumes of transcripts which were deposited in the office of the Secretary of State. Under the authority of an act entitled *An act to provide for the publication of certain documents relating to the colonial history of the State*, passed March 30, 1849,[3] Dr E. B. O'Callaghan, who in 1848 had been employed by Secretary of State Christopher Morgan to prepare for publication the first volume of the *Documentary history of New York,* was engaged to translate such of the transcripts as were in foreign languages and to edit the entire collection. The publication was begun in 1853 under the title *Documents relative to the colonial history of the State of New York,* and April 12, 1856, the Legislature passed an act for its completion under the direction of the Regents of the University.[4] The set was completed in 10 quarto volumes in 1858 and in 1861 a general index was issued as volume 11.

The undertaking was followed immediately by the publication in 1861, also under the editorship of Dr O'Callaghan, of two volumes of the *Journal of the legislative council of New York,* 1691–1743, while between 1861 and 1863, Dr O'Callaghan prepared a *Calendar of New York colonial manuscripts, indorsed Land papers,* 1643–1803, and a *Calendar of historical manuscripts,* 1630–1801, 500 copies of each of which were ordered to be printed by reso-

[1] Documents relative to the colonial history of New York, General introduction, 1:X-XIII; Assembly Journal, 1839, 62:267, 391; Assembly Documents, 1839, no.153.

[2] Laws of 1839, ch.315.

[3] Laws of 1849, ch.175.

[4] Laws of 1856, ch.168.

lution of the Senate, dated April 23, 1863.[1] This second calendar was published in 1865–68. It consists of four volumes, of which the first contains a list of the documents and entries in the Dutch records, mentioned at the beginning of the present report, the second volume a list of English manuscripts from 1664 to 1776, and volumes 3 and 4 transcripts of papers relating to the American Revolution. In the preface to the first volume of this calendar, O'Callaghan took occasion to point out the great value of the Dutch records, the unreliability and incompleteness of van der Kemp's translations, and the need of an entirely new translation. Acting probably upon these suggestions, Mr William H. Gleason on January 10, 1865 gave notice in the Assembly that he would at an early day ask leave to introduce a bill relative to the original laws and historical manuscripts and records in the office of the Secretary of State.[2] The bill was introduced on January 11 and on January 19 and 27 and March 10 petitions in favor of its passing were received from the Buffalo Historical Society, the New York Historical Society and Union College,[3] which petitions unfortunately are no longer among the legislative files. The bill passed on April 22, 1865, and reads in part as follows:

CHAP. 539.

An act relative to the original laws and historical manuscripts and records in the office of the Secretary of State.

Passed April 22, 1865; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The secretary of state is hereby authorised to employ a competent person to translate into the English language the Dutch manuscript records in the office of the said secretary; and to transcribe such translations into books to be provided for that purpose, and carefully to index the same; which books, with the said original records shall be deposited in said office, and form part of the public records of this state, and the said person thus appointed shall discharge such other duties in regard to the care, preservation and arrangement of the historical records in the said secretary's office, as the said secretary shall, from time to time prescribe.

Duty of secretary of State to employ translator of Dutch manuscript records in his office

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[1] Senate Journal, 1863, 86:762.
[2] Assembly Journal, 1865, 88:49.
[3] Assembly Journal, 1865, 88:60,88,104,153,576.

Oath of translator, &c.

§ 3. The translator and person so employed for the purpose aforesaid, before he proceeds to execute his trust, shall take and subscribe an oath before the secretary or deputy secretary of state, well and faithfully, according to the best of his ability, to discharge the duties imposed upon him by virtue of this act, which oath shall be filed in the said secretary's office.

§ 4. This act shall take effect immediately.

Under the authority of this act Dr O'Callaghan was employed in the office of the Secretary of State as translator, or archivist, as he is sometimes styled, at a salary of $1500 a year till October 1, 1872, when the office of translator was abolished by law.[1] Dr O'Callaghan set immediately to work preparing translations of a series of *Laws and ordinances of New Netherland,* 1638–1674, of which 500 copies were printed in 1868 at a cost of $5280.75[2] by resolution of the Senate of April 20, 1867.[3] He then undertook to make new translations of the Dutch records in regular order, beginning with the Register of the Provincial Secretary. Four manuscript volumes of translations were completed, which are entitled as follows: *Records of New Netherland, translated by authority of chapter* 539, *of the laws of* 1865, *from the original Dutch manuscripts in the office of the Secretary of State, by E. B. O'Callaghan.*

v. 1 Register of the Provincial Secretary, 1638–41. 326p.
v. 2 Register of the Provincial Secretary, 1642–47. 432p.
v. 3 Register of the Provincial Secretary, 1648–57. 409p.

} bound as one volume

v. 4 Council minutes, 1638–49. 211p.

To the first three volumes there exists a printed index published in 1870; to the fourth volume there is a manuscript index, which with the translations was transferred to the State Library under chapter 120, of the laws of 1881.

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[1] Laws of 1872, ch.541. From the appropriation act of 1873, laws of 1873, p.1133 it appears that O'Callaghan was actually employed till October 22, 1872, and received a compensation of $126.56 for his services from the 1st of October to that date. The Comptroller's reports show that in addition to his annual salary O'Callaghan received at different times extra compensation for special work.

[2] Comptroller's report, Assembly Documents, 1869, no.3, p.71.

[3] Senate Journal, 1867, 90:1126.

The first two volumes of translations were completed in 1868 and 1869, the third volume apparently in 1870, and the fourth volume probably not till October 22, 1872. Their cost to the State may be put down approximately at four years' salary of Dr O'Callaghan, or $6000.

These translations, both of the laws and ordinances and of the four volumes of New York colonial manuscripts, are a vast improvement on the translations of van der Kemp. They represent some of the latest work of Dr O'Callaghan, made more than 20 years after he wrote his *History of New Netherland*, and are therefore the result of ripe experience. Nevertheless, they are not free from errors, both of omission and commission, and possess a serious defect in that they do not strictly adhere to the spelling of proper names. Furthermore, Dr O'Callaghan has invariably substituted English equivalents for Dutch given names and names of ships, a practice which in the translation of historical documents is no longer considered admissible. The language on the whole is good, but at times unnecessarily strained, and in case of publication a complete and careful revision with the originals would be necessary.[1]

In the early part of 1876 Mr Berthold Fernow was attached to the office of the Secretary of State as translator and custodian of archives, and preparations were made for the translation and publications of other portions of the Dutch records. Mr Fernow planned a publication along the lines of local history and selected from the Dutch and English records material for three quarto volumes, respectively illustrating the history of early settlements on the Dela-

[1] To show how much such revision is needed, it is sufficient to examine the first page of the manuscripts translations of Dr O'Callaghan setting forth the terms of a lease by Director General Kieft to Jan Jansen Damen of two parcels of land on the island of Manhattan, which Dr O'Callaghan describes as follows: "the largest of which has thus far been cultivated by the Blacks, and situate on the East of the Road, on the North of said Jan Damen, South the esplanade of the Fort, and to the East of Philip de Truy, and the smallest, situate to the North of the Company's Garden, and on the South of said Jan Damen, extending from the Road to the River," with the following note: "On the 25 April 1644, Jan Damen obtained a Patent for the above mentioned two lots of land. *Book of patents GG.* p.91," whereas the correct translation, agreeing with the well known location of these parcels of land, should read: "the larger of which has thus far been used by the blacks and is situated on the east of the road [Broadway], [being bounded] on the north by the said Jan Damen, on the south by the esplanade of the fort, and on the east by Philip de Truy; and the smaller situated to the north of the company's garden and to the south of the said Jan Damen, extending from the road to the river;" while the patent recorder in *Book of patents GG*, p.91, does not relate to the above mentioned two parcels of land, but to two other pieces of land, lying north of the first.

ware and Hudson rivers and on Long Island. The volumes were issued in 1877, 1881 and 1883 as volumes 12–14 of the series of *Documents relative to the colonial history of New York,* at a cost of $7909 for printing and binding of volume 12,[1] of $4593.59 for volume 14,[2] and probably not less than $4000 for volume 13, the exact amount not being given in the Comptroller's report, but included in a general item for legislative printing. Mr Fernow was paid at first on the basis of an annual salary of $1200, then of $1600 and later of $1000, but appears to have been employed at irregular intervals and to have received $800 for eight months' services in 1876; $1466.66 for services in 1877; $626.67 for services in 1878; nothing in 1879; $666.66 in 1880; $1083.34 in 1881; and $250 in 1882,[3] in which year, in consequence of the transfer of the records to the State Library, he accepted a position under the Regents of the University of the State of New York.

In these volumes 12–14 the parts that are translated from the Dutch records contain respectively 455, 394 and 556 pages, with an average of 500 words to the page or a total of 702,500 words. They may therefore be said to represent about one third of the material contained in the Dutch records. The documents selected are naturally among the most important, but by no means include everything that is historically important or necessary for a complete understanding of the events set forth. Indeed, the selections may be said to have been made somewhat at random and interesting papers that are referred to in the printed text have been omitted, even though in the manuscript volumes they are found side by side with the documents selected for publication. As an instance of this may be mentioned a letter from the directors of the West India Company to Stuyvesant, dated May 26, 1655, found in *New York colonial manuscripts,* volume 12, page 22, and printed on pages 321–24 of volume 14 of *Documents relative to the colonial history of New York* in which it is stated that the burgomasters and almshouse authorities at Amsterdam are "again sending by this ship a party of boys and girls as per enclosed list." This list is found in *New York colonial manuscripts,* volume 12, page 25 and contains the names of 17 children sent over, but it is not

[1] Comptroller's report, Assembly Documents, 1879, no.3, p.54.
[2] Comptroller's report, Assembly Documents, 1885, no.3, p.64.
[3] Comptroller's reports, 1877–83.

printed by Mr Fernow in connection with the letter. Another drawback of the publication is the topographical arrangement, which has led to the breaking up of a majority of the documents into several parts, which are distributed over the three volumes. The result is a series of fragments which, when pieced together, in some cases represent the entire document and in other cases do not, and which leave the person who does not have the original before him constantly in doubt as to whether he gets all there is in the document or not. The translations read smoothly and as a rule are fairly accurate, though Mr Fernow occasionally makes bad mistakes. Mr Fernow was a native of Prussian Poland; to him therefore both the Dutch and the English were acquired languages and, notwithstanding his great linguistic abilities, his knowledge is apt to fail him when it comes to anything particularly involved or technical. As an instance of remarkable inaccuracy in this last respect may be cited a ship's invoice of 1663, printed on pages 428–29 of volume 12 of *Documents relative to the colonial history of New York,* in which Mr Fernow gives the following items:

	DUTCH	TRANSLATION SHOULD READ
1 cask with soap	1 *vat met zeegens*	1 cask with drag nets
1 package of wheels	1 *pack met fuycken*	1 pack of hoop nets
22 powderbags	22 *Cruywagens* (misread *Cruytwagens*)	22 wheelbarrows
1 small cask of Spanish wine	1 *kasge spaense Seep*	1 small case of Spanish (Castile) soap
3 packages of soap	3 *packjes zeeven*	3 packages of sieves
1 half radishes	1 *half radijzer* (misread *radijzen*)	1 half tire iron

Other instances of error, which have been noticed incidentally but which could be greatly multiplied in number by careful comparison of the translations with the originals, are as follows:

On page 273 of the above mentioned volume 12, in a letter from Jacob Alrichs, director of the colony of New Amstel on the Delaware, Mr Fernow translates: "Yes, we know it for sure to be the opinion of our Lords Patroons, that the military should not meddle, when a certain number of citizens should be in this Colony able to protect themselves," instead of "that the military should be gradually removed when there is a sufficient number of citizens in this Colony to protect themselves."

On page 309, "I ordered to have the transmitted commands dispatched," instead of "I had the transmitted mandamus served."

On page 381, Cornelis Marssen Factor for Cornelis Marssen, factor.

Jacob de Bommer, surgeon for Jacob de Commer, surgeon.

Pieter Jansen Teschett for Pyeter aerssen tesselt.

On page 153 of volume 14 of *Documents relative to the colonial history of New York,* "common welfare in important land matters," instead of "common welfare in important affairs of state"; and "may well in time ruin this blessed and fruitful country or bring it to a sorry condition and turn the laws into public nuisances," instead of "may well in time ruin this blessed and fruitful country, or at least reduce it to a sorry condition and an object of great scandal to the heathen."

And on page 168 of the same volume, in relation to Cornelis Melyn's patroonship on Staten Island, "It seems now, that Baron Hendrick and Alexander van der Capelle have negotiated with this fellow and bought from him one half of the island without previously informing us," instead of "It seems now, that Messrs Hendrick and Alexander van der Capelle have negotiated with this patroon and bought from him a part of the island without previously informing us."[1]

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[1] In order that the citation of the above errors may not give the impression that the State was especially unfortunate in the selection of its translators, it may be well to point out that equally bad mistakes are found in private publications which are generally looked upon as scholarly. In New York Historical Society, *Collections,* 1857, volume 8, page 17, the late Hon. Henry C. Murphy, to whom historical students are indebted for several excellent monographs and the publication of a number of rare and valuable sources of history, translates from the voyages of De Vries as follows: "we grounded upon the large shoal before Dunkirk. We fired a shot, so that our companion came to anchor. My yacht came under my lee; but we could not bear the expense of its returning . . . All of us pushing and pulling we got into four fathoms of water." This should read: "we grounded upon the Breebanck before Dunkirk. We fired a shot, so that our companion came to anchor. My yacht came under my lee, but could not stand it there on account of the surf. . . Bumping and tossing along, we got into four fathoms of water." Again, in the *Vertoogh van Nieu Nederland,* New York, 1854, page 78, Mr Murphy translates, speaking of the prosecuting officer, Hendrick van Dyck, "What shall we say of a man whose head is troubled, and *has a screw loose,* and who is powerful at home; especially as it often happens that it is hushed up, if there be any *sap in the wood* to close it up," which Dr O'Callaghan, in *Documents relative to the colonial history of New York,* volume 1, page 308, has amended as follows: "What shall we say of one whose head is a trouble to him and whose screw is loose, especially when it is surrounded by a little sap in the wood, which is no rare occurrence, as he is master at home." The correct translation, however, reads: "What shall we say of a man whose head troubles him and who is much given to rashness, especially, as not rarely happens, when he has been drinking."

Summing up the character and extent of the translations, we find that there is a translation of the greater part of the Dutch records by van der Kemp, which is so poor that it need not be considered at all; that there are manuscript translations of two volumes of land patents which fail in their most essential particular, namely correctness in the description of the land conveyed; that there is a fairly satisfactory printed translation of about 300 laws and ordinances selected from various volumes of the records; that there are manuscript translations of volumes 1–4 of the records which with comparatively little labor could be prepared for publication; and that there are printed translations in volumes 12–14 of *Documents relative to the colonial history of New York* which in an unsatisfactory way make available about one third of the entire material in the records.

The question arises, what is to be done with the collection as a whole, or at least with the parts that at present remain untranslated.

There is no question about the value of the records and the obligation to do everything possible that will help to preserve if not the originals, at least the contents of the documents. As Dr O'Callaghan expresses it in the preface to his calendar, "the Records of a government which thus introduced civilization, and founded Courts, Churches, Schools and similar institutions in our State, are, few will be bold enough to deny, deserving of every care and worthy of particular preservation. They are the ground work, the foundation stones of the History of the State of New York, and, if destroyed, the record evidence of its antiquity will be irreparably lost." Many records are at present in such a fragile condition that even the most careful handling may injure them and render it impossible to make a perfect copy, while through fire or otherwise they are liable to be destroyed at any time. The constant flow of inquiries relating to the Dutch records and the requests for copies and translations, which take up a good share of the archivist's time, show that there is considerable interest in the papers. Therefore, for reasons of public interest and economy, as well as safety, there is good ground for undertaking the publication of the records at the earliest moment. The only question is, how shall it be done?

Three ways suggest themselves: (1) to publish translations of the documents which heretofore have not been printed by the State, with references in their proper chronologic place to the existing

printed translation of the other documents; (2) to publish new translations of the entire body of records, without reference to the existing translations; (3) to publish all the material in Dutch, with translations on opposite pages.

The first plan is the least expensive. The publication would take about five octavo volumes of 800 pages each, which, with the present facilities in the archivist's office, might be issued in about 10 years. Owing however to the unreliability and the scattered condition of the existing translations, such a publication would leave much to be desired. It would fail to give the records the necessary continuity and oblige students to resort to several earlier State publications, which are unsatisfactory and in some cases hard to procure. In short, it would be little more than a makeshift, which would be considered unworthy of the value of the earliest public records of the State and very soon require their republication in more connected form.

The second plan allows for more systematic treatment of the records and for the correction of the errors which are found in the existing translations. It is a great improvement on the first plan, but after all, with considerable outlay, fails to give the original text and substitutes an interpretation, which is not all that scholars have a right to expect.

The third plan has all the advantages of the second and in addition, by giving the Dutch text, makes it more worth while to reprint in the way of translation so much material that in less satisfactory form is already available.

The State under the direction of the present State Historian has undertaken or is about to undertake the publication of two important series of public records, covering the proceedings of the English Colonial Council from 1668 and of the State Legislature from 1777, which will be issued in accordance with the best practice in historical editing. It is important that the publication of the corresponding records for the Dutch period, if undertaken by the State Library, shall not suffer by comparison, but set equally high standards as regards accuracy and scientific arrangement.

Modern scholarship regards the translation of historical documents as merely editorial work and demands that the original text be given as well as the translation, in order that competent persons may critically study the records for themselves. There are in and outside of the State many persons who can read and understand a printed Dutch text, but who are not sufficiently expert in the gram-

matical forms of the language and in the handwriting and contractions of the period to make much out of the original manuscript. In the interest of such persons the Dutch text should be given as well as the translation. Moreover, the publication of the *Van Rensselaer Bowier manuscripts* has in Holland attracted attention to the fact that the early Dutch settlements in this country are worthy of careful study. For the sake of the benefit which the elucidation of the early history of the State may derive from the study of the records by Dutch historians — who look at events from a different point of view and who have the advantage of a detailed knowledge of the contemporary history of their own country — it seems important to give such scholars the necessary material in its original form and in their own language, instead of through the medium of a foreign tongue. Finally, and this is perhaps the most important reason for printing the Dutch text as well as the translation, the printing of the documents in their original form is, properly speaking, the only means of preserving for all time the authentic information contained in them.

There is no denying that the editing of the entire body of Dutch records in the original language and in translation is a big undertaking, which needs to be carefully planned if the work is to proceed with proper speed. The publication would make about 15 volumes of 800 pages each. With the help of an expert copyist, enough material could probably be prepared for one volume a year, so that the undertaking would be completed in 15 years.

In consideration of the advantages set forth above, I earnestly recommend that the plan of printing the entire Dutch text as well as the translation be adopted.

Respectfully yours

A. J. F. van Laer
Archivist

Albany, N. Y. March 25, 1909

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Bibliography bulletins. Mostly original bibliographies presented by Library School students as a condition of graduation. Suggestions of subjects on which bibliographies or reading lists are specially needed and contributions of available material are invited. Bound volumes include numbers out of print except no. 5.

Volume 1, cloth $1.50; unbound $1.25

Bb1 Guide to the study of J. A. M. Whistler. 16p. May 1895. *o.p.*

Bb2-4 Colonial New England; Travel in North America; History of the 17th Century. 80p. July 1897. *15c.*

Bb5 Reference books for use of cataloguers in finding full names. 22p. Jan. 1898. *o.p. Superseded by no. 36.*

Bb6-8 Japan; Venice; Out-of-door books. 64p. Feb. 1898. *10c.*

Bb9-11 Netherlands; Renaissance art; History of latter half of 15th century. 128p. Apr. 1898. *15c.*

Bb12 Best books of 1897. 28p. June 1898. *o.p.*

Bb13 Fairy tales for children. 30p. June 1898. *o.p.*

Bb14 Index to subject bibliographies in library bulletins to Dec. 31, 1897. 62p. Aug. 1898. *10c.*

Bb15-17 Russia; Nature study in primary schools; Biography of musicians. 150p. Jan. 1899. *o.p.*

Bb18 Best books of 1898. 28p. May 1899. *5c.*

Bb19 College libraries in the United States. 52p. Dec. 1899. *10c.*

Bb20 House decoration and furnishing. 20p. Dec. 1899. *5c.*

Volume 2, cloth $1.50; unbound $1.25

Bb21 Best books of 1899. 28p. May 1900. *5c.*

Bb22 Domestic economy. 144p. Jan. 1901. *15c.*

Bb23 Connecticut local history. 114p. Dec. 1900. *15c.*

Bb24 New York colonial history. 274p. Feb. 1901. *35c.*

Bb25 China and the Far East. 122p. Mar. 1901. *20c.*

Bb26-27 Fröbel and the kindergarten; Reading list for children's librarians. 92p. May 1901. *15c.* Bb27 *separately, 5c.*

Bb28 Maine local history. 148p. June 1901. *20c.*

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Bb30 Class list of a $500 library recommended for schools. Ed. 3. 82p. July 1901. *15c.*

Volume 3, cloth $1.25; unbound $1

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Bb33 French government serials. 72p. Jan. 1902. *15c.*

Bb34 Best books of 1901. 30p. June 1902. *10c.*

Bb35 Best books of 1902. 36p. July 1903. *10c.*

Bb36 Cataloguers reference books. 186p. Nov. 1903. *25c.*

Bb37 Best books of 1903. 46p. July 1904. *10c.*

Bb38 Ethics. 36p. Apr. 1905. *10c.*

Bb39 Best books of 1904. 46p. Aug. 1905. *10c.*

Bb40 Best books of 1905. 44p. Aug. 1906. *o.p.*

Volume 4

Bb41 Florence. 44p. Sept. 1906. *10c.*

Bb42 Scotland. 36p. Apr. 1907. *10c.*

Bb43 Best books of 1906. 48p. Aug. 1907. *10c.*

Bb44 Best books of 1907. 56p. Sept. 1908. *10c.*

Bb45 Best books of 1908. 50p. Aug. 1909. *10c.*

Bb46 Translation and publication of manuscript Dutch records of New Netherland in the State Library. 30p. Jan. 1910. *10c.*

Manuscript bibliographies. A complete list of Library School graduation bibliographies through April 1902 was printed in the second edition of the *Register of the Library School* (Library School bulletin 11), pages 53–58. A list of manuscript bibliographies and indexes in the State Library, September 30, 1905, consisting chiefly of Library School graduation bibliographies not at that time in print, was published as table P2 in the State Library Report for 1905. The following Library School graduation bibliographies have been added to the collection since that date. These bibliographies are available for consultation in the library and most of them may be lent under certain conditions. The subject number according to the *Decimal classification* precedes each entry.

012 Colley Cibber, 1671–1757. 1908. I. M. Cooper
012 American Dante bibliography, May 1896–May 1908. 1908. E. D. Roberts
To be published by the Dante Society.
012 John Dryden. 1902. C. J. Barr
012 English translations of Horace. 1908. L. E. Fay
012 Henry Irving. 1907. Julia Steffa
012 George John Romanes. 1905. M. L. Gilson
012 Edmund Spenser. 1908. C. F. Porter
013 Theses submitted for the master's or doctor's degree in 32 American universities in 1906. 1907. K. E. Dinsmoor
016.01 Bibliographies in English, 1890–1904. 1906. Nicholas Hansen, J. E. Goodwin & H. S. Hirshberg
016.02 Library administration: reading list. 1906. E. L. Bascom
016.05 Periodicals selected for a public library: annotated list. 1908. C. E. Rush
016.07 Journalism: reading list. 1908. M. A. McVety
016.218 Immortality: reading list. 1906. Corinne Bacon
016.298 Mormonism. 1906. Esther Nelson
016.325342 References on the question of federation of and within the British Empire. 1907. J. R. Donnelly
016.3298 Third parties in the United States since 1856. 1908. R. L. Adsit
016.3313 Child labor. 1906. E. M. Henry
016.3318 Realistic sociology in fact and fiction; reading list. 1908. C. H. Compton
016.352 List of titles on municipal government, with special reference to city charters and to local conditions in Chicago. 1906. C. H. Brown
Printed as *Publication no. 3*, of the City Club of Chicago
016.3536 Lists of New England soldiers in the armies and navies of the United States, colonial or constitutional. 1908. M. E. Baker
016.3624 The blind. 1902. Mrs O. L. (Mann) Brundage
016.364 Juvenile courts in the United States. 1908. J. G. Strange
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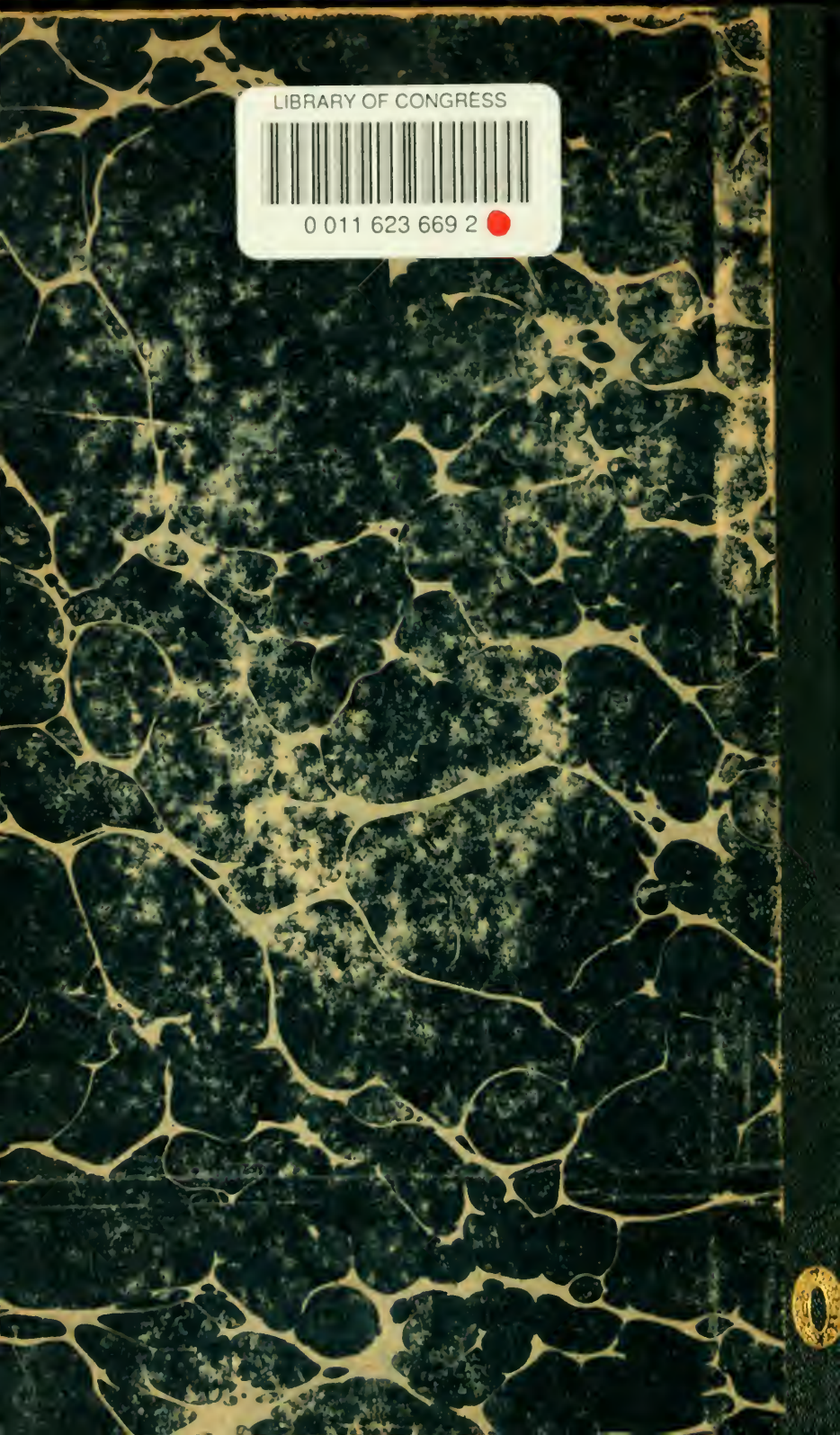
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